

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DOUGLAS E GALLAGHER,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

CASE NO. C16-5088 RBL-TLF

ORDER ON REPORT AND
RECOMMENDATION

THIS MATTER is before the Court on Magistrate Judge Fricke's Report and Recommendation [Dkt. # 127] and on Plaintiff Gallagher's Objections [Dkt. # 128] and Defendants' Response [Dkt. # 130].

1. The Report and Recommendation is **ADOPTED, in part;**
2. Gallagher's Motion for Summary Judgment [Dkt. # 95] is **DENIED;** and
3. Gallagher's Motion to Strike (or to Exclude) the defendant treating doctors' expert testimony that their care did not amount to deliberate indifference is **GRANTED** as they were required to provide an expert report under Fed. R. Civ. P. 26(a)(2)(B).

1 The Clerk shall send copies of this Order to Gilbert's last known address and to
2 Magistrate Judge Fricke.

3 IT IS SO ORDERED.

4 Dated this 28th day of February, 2019.

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7 Ronald B. Leighton
8 United States District Judge
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